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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 YIORKIS PINEDA-LAURENCIO,

10 Petitioner,

11 v.

12 WILLIAM GITTERE, *et al.*,

13 Respondents.
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Case No. 3:18-cv-00592-LRH-WGC

ORDER

15 This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254,
16 by Yiorkis Pineda-Laurencio, a prisoner at Nevada's Ely State Prison. The Court
17 appointed counsel to represent Pineda-Laurencio on December 21, 2018 (ECF No. 3).
18 Counsel appeared for Pineda-Laurencio on January 18, 2019 (ECF No. 4). Counsel
19 appeared for the respondents on January 22, 2019 (ECF No. 5).

20 Therefore, the Court will set a schedule for further proceedings in this action, as
21 follows.

22 Payment of Filing Fee. Petitioner shall pay the \$5 filing fee for this action within
23 20 days from the entry of this order.

24 Amended Petition. If necessary, petitioner shall file an amended petition for writ
25 of habeas corpus within 90 days after entry of this order. The amended petition shall
26 specifically state whether each ground for relief has been exhausted in state court; for
27 each claim that has been exhausted in state court, the amended petition shall state
28 how, when, and where that occurred. If petitioner determines that an amended petition

1 need not be filed, then, within 90 days after entry of this order, petitioner shall file a
2 notice to that effect.

3 Response to Petition. Respondents shall have 60 days following service of the
4 amended petition to file an answer or other response to the amended petition. If
5 petitioner does not file an amended petition, respondents shall have 60 days following
6 the due-date for the amended petition to file an answer or other response to petitioner's
7 petition.

8 Reply. Petitioner shall have 45 days following service of an answer to file a
9 reply. Respondents shall thereafter have 30 days following service of a reply to file a
10 response to the reply.

11 Briefing of Motion to Dismiss. If respondents file a motion to dismiss, petitioner
12 shall have 60 days following service of the motion to file a response to the motion.
13 Respondents shall thereafter have 30 days following service of the response to file a
14 reply.

15 Discovery. If petitioner wishes to move for leave to conduct discovery, petitioner
16 shall file such motion concurrently with, but separately from, the response to
17 respondents' motion to dismiss or the reply to respondents' answer. Any motion for
18 leave to conduct discovery filed by petitioner before that time may be considered
19 premature, and may be denied, without prejudice, on that basis. Respondents shall file
20 a response to any such motion concurrently with, but separately from, their reply in
21 support of their motion to dismiss or their response to petitioner's reply. Thereafter,
22 petitioner shall have 20 days to file a reply in support of the motion for leave to conduct
23 discovery.

24 Evidentiary Hearing. If petitioner wishes to request an evidentiary hearing,
25 petitioner shall file a motion for an evidentiary hearing concurrently with, but separately
26 from, the response to respondents' motion to dismiss or the reply to respondents'
27 answer. Any motion for an evidentiary hearing filed by petitioner before that time may
28 be considered premature, and may be denied, without prejudice, on that basis. The

1 motion for an evidentiary hearing must specifically address why an evidentiary hearing
2 is required, and must meet the requirements of 28 U.S.C. § 2254(e). The motion must
3 state whether an evidentiary hearing was held in state court, and, if so, state where the
4 transcript is located in the record. If petitioner files a motion for an evidentiary hearing,
5 respondents shall file a response to that motion concurrently with, but separately from,
6 their reply in support of their motion to dismiss or their response to petitioner's reply.
7 Thereafter, petitioner shall have 20 days to file a reply in support of the motion for an
8 evidentiary hearing.

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10 DATED this 25th day of January, 2019.

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13 LARRY R. HICKS
14 UNITED STATES DISTRICT JUDGE
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